

### **REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

Before discussing the subject matter recited in the claims of this application and as a preface to commenting on the issues raised in the most recent Official Action, the following general overview is provided of features and operational characteristics associated a fuel cell according to embodiments described and illustrated in the present application.

As illustrated, for example, in the embodiment of Fig. 15, in a fuel cell having a plurality of fuel cells 20, a fuel supplying member 30 connected with the liquid fuel storing tank 10 is connected with a respective fuel electrode body 21 of at least one of the plural unit cells 20, and another fuel supplying member is connected with at least one of the plural unit cells 20 and the used fuel storing tank 40. Additionally, the unit cells 20, the fuel supply members 30, and a feed 40a comprising a porous body or a fiber bundle having capillary force are all disposed in a space between the used fuel storing tank 40 and the liquid fuel storing tank 10. As discussed in the application, with such a configuration, unreacted used fuel does not remain in the fuel supply member, and power generation is not disturbed. Also, particularly when the used fuel storing tank is easily removable, heat from the used fuel is not transferred to the fuel cell body or the liquid fuel storing tank.

Turning now to the prior art rejections, independent Claims 145, 151, 157 and 165 are each rejected as being unpatentable over the disclosures in U.S. Application Publication No. 2004/0072049, hereinafter Becerra, U.S. Patent No. 6,506,513, hereinafter Yonetsu, and U.S. Patent No. 5,364,711, hereinafter Yamada.

Claims 145, 151, 157 and 165, as amended, each recite a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel is connected with a respective fuel electrode body of at least one of the plural unit cells to supply the liquid fuel, and in which another fuel supplying member is connected with at least one of the plural unit cells and a used fuel storing tank which is separate from the liquid fuel storing tank. Additionally, in the recited fuel cells, a space exists between the used fuel storing tank and the liquid fuel storing tank, and a feed comprising a porous body or a fiber bundle having capillary force, the unit cells and the fuel supply members are disposed in the space between the used fuel storing tank and the liquid fuel storing tank.

Becerra discloses a fuel container in which a flexible bladder for a liquid fuel and a flexible bladder for effluent are included in a container as illustrated in Fig. 13. As correctly noted in the Official Action, the two bladders are adjacent without a space in between them. In this regard, the Official Action, takes the position that Yamada, in Figs. 22 and 23, discloses a space between a used fuel storing tank and a liquid fuel storing tank and a feed comprising a porous body or a fiber bundle having capillary force disposed in the space. The Examiner goes on to state that it would have been obvious to employ this arrangement with Yamada's bladders because it would make Becerra's fuel cell smaller by utilizing a natural driving force.

However, even assuming for the sake of discussion that some basis exists for the Examiner's position, Applicants respectfully submit that the resultant fuel cell would not include a feed comprising a porous body or a fiber bundle having capillary

force, unit cells and fuel supply members, as recited, disposed within the space. Indeed, neither Becerra nor Yamada disclose a feed, unit cells and fuel supply members arranged as claimed. Moreover, Yonetsu does not cure these deficiencies in Becerra and Yamada.

In light of the foregoing, it is quite clear that independent Claims 145, 151, 157 and 165, as presently amended, are allowable over the disclosures in Becerra, Yonetsu and Yamada. Withdrawal of the rejections of those claims is therefore respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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